

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:14-CV-58-BO

DOMTAR AI INC. and its affiliate,)
ASSOCIATED HYGENIC PRODUCTS)
LLC,)
Plaintiffs,)
)
v.)
)
J.D. IRVING, LTD., IRVING PERSONAL)
CARE, LTD., and JAMES DEFELICE,)
Defendants.)

ORDER


This cause comes before the Court on the parties' joint motions for extension of time and to stay. [DE 64, 65]. Parties advise that they are engaging in mediation on October 6, 2014, and request extensions to the briefing deadlines associated with the two pending motions for sanctions in the case [DE 52, 57]. For good cause shown, the Court GRANTS the motion for an extension of time of deadlines [DE 64]. Defendants have until October 20, 2014 to file their reply brief related to the first motion for sanctions [DE 52]. Plaintiffs have until October 27, 2014 to file their opposition to the second motion for sanctions [DE 57]. The motion to stay [DE 65] is DENIED AS MOOT as the relief from briefing the sanctions motions has been relieved.

The Court has also been made aware of some confusion concerning whether or not its order dated August 20, 2014 [DE 55] is a final and appealable order because it disposes of the case on the merits, but no judgment has yet issued. [DE 67]. After considering *Ray Haluch Gravel Co. v. Cent. Pension Fund of the Int'l Un. of Operating Engrs. and Participating Employees*, 134 S. Ct. 773 (2014), and *Carolina Power and Light Co. v. Dynege Mktg. and Trade*, 415 F.3d 354 (4th Cir. 2005), the Court finds that neither case applies in these exact

circumstances, but that the Court should have issued its judgment on August 20, 2014 when it entered its order. In order to clarify the issue, the Court DIRECTS the Clerk to enter judgment accordingly for the reasons given in the August 20, 2014 order [DE 55]. The Court notes that its error was harmless as plaintiffs timely filed their notice of appeal based on the date of the Court's order and did not wait for judgment to be entered.

SO ORDERED,

this 27 day of September, 2014.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE